



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS PENSION FUND
and HOWARD McDOUGALL, trustee,

Plaintiffs,

vs.

GEORGE W. MYLER, JR. d/b/a
MYLER TRUCKING, an Indiana
resident,

Defendant.

Case No.: 08 CV 3087

Judge Kennelly

Magistrate Judge Brown

JUDGMENT ORDER

At Chicago, Illinois, in the District and Division aforesaid, before the Honorable Matthew F. Kennelly, District Judge.

This cause coming to be heard this 14th day of August, 2008, on Plaintiffs' Motion for Entry of Order of Default and Judgment by Default, due notice having been served, and it appearing of record that a complaint for collection of delinquent employer contributions, interest, and statutory damages under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001 et seq., as amended by the Multiemployer Pension Plan Amendments Act of 1980, was filed by Plaintiffs on May 28, 2008; that Defendant George W. Myler, Jr. d/b/a Myler Trucking, was personally served by delivery of Summons and Complaint on June 26, 2008; that Plaintiffs have submitted affidavits in support of judgment; and the Court having fully considered the Complaint, the Motion for Entry of Order of Default and Judgment by Default and supporting affidavits, and the record in this case does hereby find: (i) that this Court has jurisdiction of the action; (ii) that an order of default and judgment by default may properly be entered in favor of Plaintiffs and against

Defendant, George W. Myler, Jr. d/b/a Myler Trucking; and (iii) that Plaintiffs have established by evidence satisfactory to this Court that judgment should be entered against Defendant for the principal amount, interest, liquidated damages, attorneys' fees and costs ordered hereinbelow, wherefore:

IT IS ORDERED:

A. Judgment by default be and is hereby entered in favor of Plaintiffs Central States, Southeast and Southwest Areas Pension Fund and Howard McDougall, trustee, and against Defendant George W. Myler, Jr. d/b/a Myler Trucking, in the total amount of \$62,106.60. The judgment amount consists of: (i) delinquent employer contributions in the amount of \$35,540.00; (ii) interest in the amount of \$11,982.55; (iii) liquidated damages in the amount of \$11,982.55; (iv) attorneys' fees in the amount of \$2,191.50; and (v) costs in the amount \$410.00 awarded pursuant to 29 U.S.C. § 1132(g)(2).

B. That Plaintiffs are awarded post-judgment interest on the entire judgment balance at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by Chase Manhattan Bank (New York, New York) for the fifteenth (15th) day of the month for which interest is charged, compounded annually.


C. Specifically excluded from this judgment and not barred under any claim preclusion are: (i) any obligation of Defendant George W. Myler, Jr. d/b/a Myler Trucking to pay employer contributions (or interest and statutory damages thereon) for any period other than the period of January 2003 through December 2006; (ii) any claim for employer contributions (or interest or statutory damages thereon) for any period of time (including the period of January 2003 through December 2006) on behalf of employees whose work history was not reported or was inaccurately reported to the Pension Fund; and (iii) any claim for withdrawal liability.

D. That Plaintiffs are awarded execution for the collection of the judgment and costs granted.

E. That the Court retain jurisdiction of the cause for the purpose of enforcing this Order.

Enter:

Dated: 8-14-08


Matthew F. Kennelly
United States District Judge